PO Box 798 • Byfield, MA 01922

Parker River
CLEAN WATER
Association

www.Parker-River.org • 978-462-2551

April 2, 2012

Kathleen Baskin
Director of Water Policy
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th floor
Boston, MA 02114

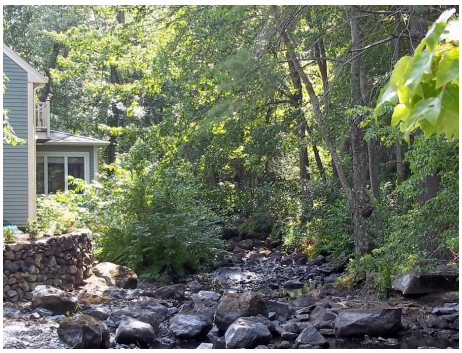
RE: Sustainable Water Management Initiative (SWMI) Framework

Dear Ms. Baskin:

The Board of the Parker River Clean Water Association (PRCWA) appreciates all the work and time of everyone involved in the SWMI process. After review of the materials presented at the February 3, 2012 SWMI Advisory meeting, our Board cannot support the framework being proposed by the group panel.

The draft Safe Yield (SY) determination for the Parker River of 14.8 million gallons per day is approximately **6 times** higher than current permit allowances. As reported in a newspaper article dated October 6, 2011 (enclosed), former PRCWA President Marlene Schroeder stated that the proposed safe yield allocation for the Parker River basin is "absurd." The Parker River is considered **highly stressed** by the Water Resource Commission Stressed Basin Report and will continue to suffer ecological degradation under the proposed SY limits.

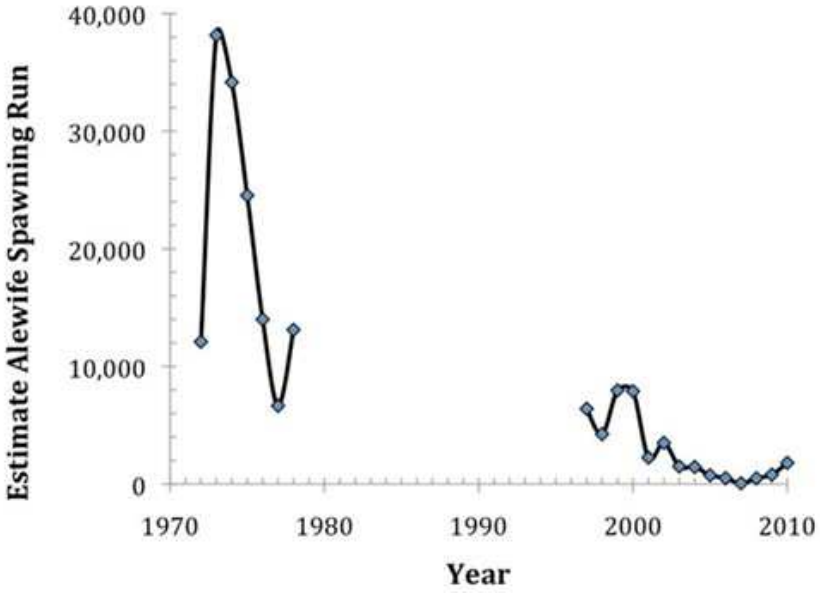
Parker River – Georgetown August 2010



Parker River – Byfield

Our watershed is home to numerous State-listed rare species and has an important river herring run that the fish use to spawn in the upstream ponds. PRCWA volunteers have helped document a precipitous decline of Alewife and Blueback herring during 40-years of historical counting.

There is a delicate balance that must be observed in order to preserve this species of fish, which is an important forage fish for marine species such as cod, striped bass and bluefin tuna sought by recreational and commercial fishermen. Low flow conditions in streams along with other influences is apparently upsetting this balance according to annual fish count data, and could lead to **devastating impacts to our local fishing industry.**



Parker River Herring Counts

Dry sections of the Parker River have become a common occurrence since the last Water Management Act Permit issued by DEP in 1996. Much of the river desiccation can be observed in the upper watershed, a half mile segment that routinely goes dry in an area located within and downstream from, three municipal wells. The Parker River became severely depleted in 2010 when sections of the river in Byfield, Mill River and Batchelder Brook in Rowley were reduced to mere puddles. EEA and others can debate the analysis of data over the impacts of water withdrawals on streams, but for PRCWA observers, the discouraging evidence pretty much stares you right in the face.

Empty fish ladder at Larkin Dam in Byfield - July of 2011 (notice turtle trapped in step)

How can installation of a fish ladder be considered proper mitigation if there is no water?

PRCWA has heard from various State officials and even some river advocates that the new streamflow *criteria* will minimize and mitigate the impacts of additional withdrawals, and protect rivers and streams that have been identified as being severely depleted. We find the Tiers tables that have been developed overly complicated. It is hard to figure out just how much water will be allocated to water suppliers when baseline volumes and redundant wells are factored in, but one thing is clear: the Tiers tables would allow increases in water use.

At the February 3 hearing DEP demonstrated the subjective implications of offset mitigations by offering a pick list of *feasible* alternatives to lessen withdrawal impacts. So far, EEA has offered no pertinent explanation on how they will audit, implement, staff, fund and enforce this new framework. PRCWA offers the following suggestions on how this could be accomplished:

- Offsets that include mandatory requirements in basins that include sub-basins in categorized in flow levels 4 & 5. (One suggestion would be to require water suppliers in such basins to impose an effective water conservation rate structure. Another would be to ban non-essential water use in summer.)
- Including the months of April and October in seasonal water restrictions. Increasing signs of climate change will spur longer growing seasons.
- Greater involvement and transparency for the environmental community, including but not necessarily limited to Conservation Commissions and watershed groups in the WMA permitting process.
- Development and access to databases that encourage enforcement. (The public should be able to access databases that include every basin's WMA permit, WMA Violations, Orders to Complete (and comments), Annual Statistical Reports, Water Restriction History, etc.)

Given the state's history of failure to provide protective safe yield limits on water withdrawals, PRCWA hereby calls for safe yields that would "include environmental protection factors including ecological health of river systems" to be determined by an objective third party such as USGS. All measures are needed to restore flow to the depleted areas of the Parker River watershed. It is critical that protective environmental policies be developed, and that DEP enforce them during the next 20-year permit cycle. There is too much at stake for the Commonwealth's vital natural resources to not get this right!

Sincerely,

George Comiskey
President, PRCWA

CC Mass Rivers Alliance, Conservation Law Foundation, State Senator Bruce Tarr
State Representatives Harriet Stanley, Brad Hill, Michael Costello

NewburyportNews.com, Newburyport, MA

October 7, 2011

Parker River advocates call for action against state policy

Staff reports

— BYFIELD —

In August, it's not unusual for the upper reaches of the Parker River to run bone dry.

River advocates say that's due largely to the 2.5 million gallons that can be siphoned off per day by local water departments. But under a new state policy that is wending its way through the Department of Environmental Protection, some critics estimate that six to 10 times more water can be drained off.

Local groups like the Parker River Clean Water Association say the state's proposed "safe yield" formula is flawed and will lead to devastating results for the Parker, a river that meanders through several Greater Newburyport towns.

"When you're talking about taking ten times more water than now, and the river is already running dry, that's rather absurd," said Marlene Schroeder, president of the Parker River group.

A state spokesman disputes those claims, saying the state is developing a new science-based formula that will balance the needs of water users and the river's health.

What Schroeder and others are hoping for is a policy that allows the Parker to have an adequate flow through the summertime to support the river's ecology, such as the spawning grounds of river herring, which have witnessed a precipitous decline in recent years.

"They're an important food in the food chain," said Schroeder, of Newbury. "Basically, they are the food for the fish that we want to eat."

Water reductions in the summertime could mean that residents in towns that depend on the Parker for their tap water — including Georgetown, Rowley and Byfield — might have mandatory watering bans in the summer, Schroeder said.

"That's when everyone is watering their lawns. That's when peak usage goes up," said George Comiskey, the group's vice president and a Georgetown resident.

The Parker River group isn't alone in its efforts to have the state change the policy, which will set the course for water withdrawals for the next 20 years. River advocacy groups across the state — most notably the Ipswich River Watershed Association — are also lobbying for change. The Ipswich River, much of which dries up in the summer, is considered to be one of the most endangered rivers in the state.

Schroeder and others have been urging locals to sign onto a petition on the Ipswich River association's website. The petition urges the state to make specific

changes to its proposed formula.

"The latest proposals on safe yield are not coming out very favorably for our river basin," Schroeder said.

Ed Coletta, spokesman for the state Department of Environmental Protection, issued a written statement saying conclusions about the impacts of the safe-yield formula are premature, because it is "still a work-in-progress, and more meetings to finalize the policy will be held this fall."

Coletta said the state will be using, for the first time, "science-based stream-flow criteria that will protect streams and rivers and ensure that we wisely balance consumptive use with aquatic health."

Coletta also disputed the 25-million-gallon per day figure, saying it was "not at all accurate or part of any current discussions." He did not provide a figure.

The state's policies on how much water can be withdrawn from river and stream basins have been a contentious issue in recent years. The Ipswich River association and others sued the state, arguing that it was violating its own laws regarding safe yields. The courts agreed. An attempt to negotiate a new policy fell apart two years ago. Several environmental groups walked out on the talks but were urged back to the table by Gov. Deval Patrick.

The latest round of talks hasn't led to an agreement yet, said Kerry Mackin, executive director of the Ipswich River group. She said there are some provisions that help protect small rivers, but overall, the protections don't go far enough.

While final formula numbers haven't been issued yet, Mackin said the most recent numbers she's seen show the Parker's limit being raised to about 14.8 million gallons per day, on average.

"Unfortunately, they are using numbers that are way too high," she said.

The Parker River's problems are mostly rooted in its upper reaches, where water departments are withdrawing water from smaller streams and the river's headwaters. It's been known to run dry in Byfield and Georgetown every other year or so, particularly in August. As the river approaches the salt marshes in Newbury, it becomes a tidal river and the flow increases.